United Nations A/HRC/31/21

General Assembly

Distr.: General
1 February 2016

Original: English

Human Rights Council
Thirty-first session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Question of human rights in Cyprus

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report, which covers the period from 1 December 2014 to 30 November 2015, provides an overview of specific human rights concerns in Cyprus, including with regard to the right to life and the question of missing persons, the principle of non-discrimination, freedom of movement, property rights, freedom of religion and cultural rights, freedom of opinion and expression and the right to education, as well as the importance of a gender perspective when negotiating and implementing peace agreements.

GE.16-01320(E)

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I. Introduction

1. The present report was prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) pursuant to Commission on Human Rights resolutions 4 (XXXI), 4 (XXXII) and 1987/50, and Human Rights Council decision 2/102.[1]

2. As of 30 November 2015, Cyprus remained divided, with a buffer zone maintained by the United Nations Peacekeeping Force in Cyprus (UNFICYP). UNFICYP was established pursuant to Security Council resolution 186 (1964) to prevent a recurrence of fighting between the Greek Cypriot and Turkish Cypriot communities on the island and bring about a return to normal conditions. Its responsibilities were expanded in 1974 following a coup d'état by elements favouring union with Greece and a subsequent military intervention by Turkey, whose troops established control over the northern part of the island. Since the de facto ceasefire in August 1974, UNFICYP has supervised the ceasefire lines, provided humanitarian assistance and maintained a buffer zone between the Turkish and the Turkish Cypriot forces in the north and the Greek Cypriot forces in the south.[2]

3. In its resolution 2234 (2015), the Security Council welcomed the re-launching of negotiations, the positive momentum and the commitment expressed by the leaders to work tirelessly to reach a comprehensive settlement as soon as possible, in a results-oriented manner as agreed to in the Joint Declaration adopted by the Greek Cypriot and Turkish Cypriot leaders on 11 February 2014. However, the Council noted that the negotiations had not yet resulted in an enduring, comprehensive and just settlement based on a bicommunal, bizonal federation with political equality, as set out in its relevant resolutions. It therefore encouraged the sides to intensify the substantive negotiations on the unresolved core issues interdependently, stressing that the status quo was unsustainable.

4. From 1 December 2014 to 30 November 2015, substantive negotiations on a comprehensive settlement in Cyprus continued under the auspices of the Secretary-General's good offices, under the leadership of his Special Adviser on Cyprus, Espen Barth Eide. Following the assumption of the leadership of the Turkish Cypriot community by Mustafa Akıncı on 30 April 2015, negotiations between the two communities in Cyprus were officially relaunched on 15 May 2015 with the facilitation of the Special Adviser on Cyprus during a meeting between the Greek Cypriot leader, Nicos Anastasiades, and the Turkish Cypriot leader, Mr. Akıncı. Since then, the leaders and their negotiators have held numerous meetings and discussed all issues in an interdependent manner. In parallel, meetings of experts on specific subject matters such as property, economy and European Union matters have been convened with the objective of providing expert advice to the ongoing negotiations. The leaders have also announced a number of confidence-building measures aimed at bringing the two communities closer together and have participated in a number of events together on both sides of the island, demonstrating their joint will to reach a settlement of the Cyprus issue.

5. At the end of October 2015, reconfirming their joint vision for a united Cyprus as set out in the Joint Declaration of 11 February 2014, the leaders announced that they would intensify their engagement in the talks and that they would hold a session of meetings throughout the month of November 2015 with the purpose of seeking mutually beneficial solutions on issues where divergences remained. The leaders also reiterated that they each negotiated in the interests of their own communities, as well as taking into consideration the concerns of the other community, in order to reach a settlement that met the best interests of

[1] For an overview of resolutions on the question of human rights in Cyprus, see A/HRC/22/18, paras. 1-4.

[2] See http://unficyp.unmissions.org/unficyp-mandate.

all citizens of a future, united Cyprus. Recognizing the interdependent nature of the issues, the leaders also agreed to set their sights on a future in which all citizens of a united Cyprus can coexist and live together in peace and prosperity.

6. For the purpose of the present report, in the absence of an OHCHR field presence in Cyprus, OHCHR has relied on a variety of sources with particular knowledge of the human rights situation on the island, and on recent findings of international and regional human rights mechanisms. UNFICYP, the Secretary-General's good offices, the Secretariat of the Committee on Missing Persons in Cyprus and various stakeholders have been consulted in the preparation of the report.

II. Challenges for the implementation of international human rights standards in a protracted conflict

7. In the period under review, various United Nations human rights mechanisms have voiced their concerns at the factors and difficulties impeding the implementation of international human rights standards on the whole island owing to the protracted conflict. In that regard, United Nations treaty bodies, the special procedures of the Human Rights Council and the Working Group on the Universal Periodic Review made recommendations to or received follow-up information from Cyprus, the Turkish Cypriot authorities and Turkey.

8. In response to the Human Rights Committee's question concerning measures taken to avoid a human rights protection gap resulting from the protracted conflict in both the northern and southern parts of the island, the Government of the Republic of Cyprus indicated in a document received on 22 December 2014 that it was not in a position to apply and ensure the implementation of human rights in the whole of its territory (see CCPR/C/CYP/Q/4/Add.1, para. 6). In its concluding observations on the fourth periodic report of Cyprus, adopted on 31 March 2015, the Human Rights Committee raised among principal matters of concern the small number of Turkish Cypriots in the civil service; reported discrimination on the basis of nationality and ethnicity; and alleged undue interference with freedom of movement, the right to vote, minority rights and access to places of worship (see CCPR/C/CYP/CO/4, paras. 5-7, 10, 17-18 and 22-23).

9. In 2015, the Special Rapporteur on freedom of religion or belief published a follow-up table on steps taken to implement his recommendations to the various stakeholders, following his 2012 mission to the island.[3] Information received from the Government of the Republic of Cyprus referred, inter alia, to the Special Rapporteur's recommendations to better support the Muslim communities in the southern part; to further subsidize the infrastructure needed for upholding religious community life; and to respect pilgrimages as an inextricable part of freedom of religion or belief (see A/HRC/22/51/Add.1, paras. 76-77). Information received from the Turkish Cypriot authorities referred, inter alia, to the Special Rapporteur's recommendations to refrain from any behaviour that could have an intimidating effect on religious communities' activities; to revise existing restrictions on the accessibility of religious buildings, sites or cemeteries; to diligently investigate allegations of vandalism of religious sites and cemeteries; to handle heritage claims of Christian minorities in a fair and transparent manner; and to respect the right of religious leaders to visit their communities in the northern part without undue restrictions (ibid., paras. 81-85).

10. During the twenty-first session of the Working Group on the Universal Periodic Review, held in January 2015, the Government of Turkey received several

[3] See www.ohchr.org/Documents/Issues/Religion/FollowUpCyprus.pdf.

recommendations relating to the human rights situation in the northern part of the island. However, the recommendations to comply with the judgements of the European Court of Human Rights concerning violations of human rights in the areas of Cyprus that were under the effective control of Turkey; to implement without further delay all the relevant judgements of the European Court of Human Rights, including those in which grave human rights violations by Turkey had been established in the occupied areas of Cyprus under the effective control of Turkey; and to abolish all statutory time limits pertaining to the investigation of serious human rights violations and the prosecution of the perpetrators thereof did not enjoy the support of the Government of Turkey (see A/HRC/29/15, paras. 151.10, 151.11 and 151.18).

III. Specific human rights concerns

11. The persisting division of Cyprus continues to have consequences on human rights protection throughout the whole island, including: the right to life and the question of missing persons; the principle of non-discrimination; freedom of movement; property rights; freedom of religion and cultural rights; freedom of opinion and expression; and the right to education. In addition, it is important that a gender perspective be adopted when negotiating and implementing peace agreements (see paras. 52-57 below).

A. Right to life and the question of missing persons

12. According to article 3 of the Universal Declaration of Human Rights, everyone has the right to life, liberty and security of person. Furthermore, article 1 of the Declaration on the Protection of All Persons from Enforced Disappearance provides that any act of enforced disappearance is an offence to human dignity, placing the persons subjected thereto outside the protection of the law and inflicting severe suffering on them and their families, and that any act of enforced disappearance also violates or constitutes a grave threat to the right to life.

13. In its resolution 2234 (2015), the Security Council noted with regret that the two sides were withholding access to the remaining minefields in the buffer zone, while noting also the continued danger posed by mines in Cyprus, recent proposals and discussions and positive initiatives on demining. It urged rapid agreement on facilitating the recommencement of demining operations and clearance of the remaining minefields. It called on both sides to allow access to deminers and to facilitate the removal of the remaining mines in Cyprus within the buffer zone, and urged both sides to extend demining operations outside the buffer zone.

14. Through inter-mission cooperation with the United Nations Interim Force in Lebanon, UNFICYP deployed a demining team to a mine hazard area in the Cyprus buffer zone north of Mammari village. That followed an initial assessment in February 2015 and a further survey by experts in April 2015, which showed that mines had been displaced by winter floods into that part of the buffer zone from a minefield north of the ceasefire line. Through constructive military cooperation on the ground, the deminers conducted a final technical survey and mine clearance of the affected area, but members of the public continue to be urged to maintain a safe distance from the hazard area, to obey the mine warning signs and to comply with instructions from UNFICYP.[4] Since components of anti-tank and anti-personnel mines were identified and destroyed between June and August

[4] See https://unficyp.unmissions.org/sites/default/files/bb-16_july_2015_demining_0.pdf.

2015, UNFICYP has liaised closely with the Turkish Cypriot authorities and secured their commitment to clear the area north of the ceasefire line in the following months (see S/2015/517, para. 12). Nonetheless, despite requests by UNFICYP, there was no progress with regard to access to the four known remaining minefields in the buffer zone, of which three are under the control of the National Guard and one is under the control of the Turkish forces (ibid., para. 14). UNFICYP has continued to work towards a "mine-free" Cyprus to remove all explosive hazards to persons on the island.

15. The question of missing persons arises from disappearances that occurred during the intercommunal fighting in 1963 and 1964, and from the events of July 1974 and afterwards, with a total of 1,508 Greek Cypriots and 493 Turkish Cypriots officially reported as missing by both communities to the Committee on Missing Persons in Cyprus. During the period under review, the Committee continued its bicommunal project on the exhumation, identification and return of the remains of missing persons. As at 31 October 2015, the remains of 1,020 individuals had been exhumed on both sides of the buffer zone by the Committee's bicommunal teams of archaeologists. Of those, the remains of 614 missing individuals had been identified and returned to their respective families, including 50 in 2015.[5]

16. In resolution 2234 (2015), the Security Council welcomed all efforts to accommodate the exhumation requirements of the Committee on Missing Persons as well as the joint appeal for information issued by the two leaders on 28 May 2015, and called upon all parties to provide more expeditious, full access to all areas, given the need to intensify the Committee's work. Between September and November 2015, a Committee excavation team exhumed two burial sites containing the remains of 36 persons in a military area in the north of Nicosia. On 5 November, the Secretary-General welcomed the confirmation by the leader of the Turkish Cypriot community that the Committee's excavation teams would have access to 30 suspected burial sites in military areas in the north of Cyprus. Access would be given over a three-year period, starting in January 2016, with 10 sites to be excavated each year.[6]

17. On 6 January 2015, the European Court of Human Rights handed down a decision of inadmissibility in the case of *Kayiplar and Others v. Cyprus*. The case concerned Turkish Cypriots who had disappeared in 1974 and whose bodies had been exhumed by the Committee on Missing Persons, with funerals having taken place in 2013. The Court reiterated its conclusion from earlier cases, noting that as the investigation was still ongoing, it was too early to find that the authorities' approach had infringed the minimum standard with regard to effective and adequate investigation into the death of the victims, despite some possible shortcomings in the area of communication by the government authorities with the victims' relatives.[7]

18. On 11 June 2015, the Deputies of the Council of Europe Committee of Ministers welcomed the progress made by the Committee on Missing Persons in the search for and the identification of missing persons, noting that 2014 was a landmark year regarding the number of persons identified. The Deputies recalled, due to the passage of time, the necessity for the Turkish authorities to adopt a proactive approach to providing the Committee on Missing Persons with all the assistance it needed to continue to achieve tangible results as quickly as possible. Noting with interest the new information provided

[5] That figure does not include 98 individuals who were identified by the Committee on Missing Persons in Cyprus but are not on the official list of missing persons. See also S/2015/17, para. 21.

[6] Information received from the Secretariat of the Committee on Missing Persons in Cyprus.

[7] European Court of Human Rights, *Kayiplar and Others v. Cyprus*, decision of 6 January 2015, application No. 42153/14, paras. 13-14.

by the Turkish authorities as well as the new authorizations providing the Committee with access to military zones, the Deputies invited the Turkish authorities to give the Committee access to a greater number of military zones, and to continue to provide it with all relevant information, including from military reports and archives.[8]

19. On 24 September 2015, the Deputies once again deeply deplored the lack of payment of the just satisfaction awarded by the European Court of Human Rights in the case of *Varnava and Others v. Turkey* and the *Xenides-Arestis* group of cases and firmly insisted on the unconditional obligation of Turkey to pay without further delay the sums awarded by the Court to the applicants, as well as the default interest due. They also recalled their invitation to the Secretary General of the Council of Europe to raise the issue of payment of the just satisfaction in those cases in his contacts with the Turkish authorities, calling on them to take the measures necessary to pay it. Furthermore, the Deputies encouraged the authorities of the member States of the Council of Europe to do the same.[9]

B. Non-discrimination

20. According to article 7 of the Universal Declaration of Human Rights, all are equal before the law and are entitled without any discrimination to equal protection of the law.[10] Furthermore, all are entitled to equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination.

21. As of May 2015, there were as many as 212,400 internally displaced persons living in the part of the island controlled by the Government of Cyprus, including children born while their families were displaced, making up a fifth of the island's population.[11] When compared with previous years, the number of internally displaced persons remained unchanged, with no new displacements and no returns recorded in 2014.[12]

22. While welcoming the decision by Cyprus to recognize the status of children of women who had been internally displaced, the Human Rights Committee remained concerned that such recognition made the children eligible only to certain housing schemes and benefits and did not give them access to the same rights as children of internally displaced men, in particular the right to participate in elections in due course. Thus, in its concluding observations of 31 March 2015, the Committee recommended that Cyprus amend its legislation to ensure that children of women who had been internally displaced had the same benefits as children of internally displaced men, without any kind of distinction (CCPR/C/CYP/CO/4, para. 9).[13]

23. In the case of *Vrountou v. Cyprus*, the Government drew on the progressive expansion of the refugee assistance scheme since 1974 and on the budgetary implications

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[8] Council of Europe Committee of Ministers, decisions adopted at the 1230th meeting on 11 June 2015 (CM/Del/Dec(2015)1230/23+24) on the cases of *Cyprus v. Turkey* and *Varnava and Others v. Turkey*.

[9] Council of Europe Committee of Ministers, decisions adopted at the 1236th meeting on 24 September 2015 (CM/Del/Dec(2015)1236/22) on *Varnava and Others v. Turkey* and the *Xenides-Arestis* group of cases.

[10] See also the International Covenant on Civil and Political Rights, art. 26.

[11] Internal Displacement Monitoring Centre, Norwegian Refugee Council, *Global Overview 2015: People internally displaced by conflict and violence* (Geneva, May 2015), p. 8. Available from www.internal-displacement.org/assets/library/Media/201505-Global-Overview-2015/20150506-global-overview-2015-en.pdf.

[12] Ibid., p. 83.

[13] See also A/HRC/25/21, para. 21; A/HRC/28/20, para. 24; and CEDAW/C/CYP/CO/6-7, paras. 33-34.

that ending the difference in treatment would have had, arguing that even if the difference in treatment could no longer be justified, the State should nonetheless enjoy a margin of appreciation in choosing the timing and means for extending the refugee assistance scheme to the children of displaced women. However, on 13 October 2015, the European Court of Human Rights held that neither of those considerations sufficed to remedy the otherwise discriminatory nature of the scheme. Whatever the attempts to expand the scheme from 1974 to 2003, none of the changes introduced during that period had addressed the clear difference in treatment between the children of displaced men and the children of displaced women. Furthermore, the Court stated that budgetary considerations alone could not serve to justify a clear difference in treatment based exclusively on gender, particularly when the successive expansions of the scheme between 1974 and 2013 would themselves have had financial consequences. The Court also found it particularly striking that the scheme had continued on the basis of that difference in treatment until 2013, nearly 40 years after its introduction. According to the Court, "the fact the scheme persisted for so long, and yet continued to be based solely on traditional family roles as understood in 1974, means that the State must be taken to have exceeded any margin of appreciation it enjoyed in this field. Very weighty reasons would have been required to justify such a long-lasting difference in treatment. None have been shown to exist. There is accordingly no objective and reasonable justification for this difference in treatment". For those reasons, the Court concluded that "the difference in treatment between the children of displaced women and the children of displaced men was discriminatory".[14] It also found that there was no effective remedy before a national authority.

24. With regard to the situation of Turkish Cypriots, the Human Rights Committee, in its concluding observations of 31 March 2015, expressed concern about the absence of Turkish-speaking staff in the Office of the Commissioner for Administration and Human Rights and the fact that its reports were not published in Turkish.[15] It also expressed concerns about reports of a rise in incidents of racially motivated verbal and physical abuse by right-wing extremists and neo-Nazi groups against Turkish Cypriots. The Committee also referred to allegations that a significant number of Turkish Cypriots had been unable to vote during the 2014 European Parliament elections because their correct residential addresses had not been entered in the Government's database. Furthermore, the Committee was concerned that amendments to the Electoral Law requiring Turkish Cypriots to register by filing a form with the Ministry of the Interior specifying, inter alia, their residential address, had not been disseminated and translated into the Turkish language. The Human Rights Committee recommended that Cyprus take immediate steps to ensure that Turkish Cypriots had the same rights and obligations as all other Cypriot citizens, both in law and in fact, to vote and stand for elections and that it ensure that all future amendments and laws concerning participation in elections were disseminated and published in both official languages (see CCPR/C/CYP/CO/4, paras. 5, 7 and 22).

25. In a joint statement issued on 18 November 2015, the Greek Cypriot leader and the Turkish Cypriot leader condemned in the strongest terms the shameful incidents that had occurred on 16 November, during which Turkish Cypriots had been targeted. The two leaders affirmed that they would stand together against racism and hatred, whatever the source, and that such deplorable acts would be thoroughly investigated and would not go unpunished. They added that they would not allow such unacceptable incidents to jeopardize the ongoing negotiations.

[14] European Court of Human Rights, *Vrountou v. Cyprus*, judgment of 13 October 2015, application No. 33631/06, paras. 78-81.

[15] The Office of the Commissioner for Administration and Human Rights (Ombudsman) is the national human rights institution for the Republic of Cyprus.

26. During the period under review, UNFICYP remained in contact with local authorities to ensure that Turkish Cypriots living in the south had access to health, welfare and educational services (see S/2015/517, para. 24). In order to promote enhanced cooperation in old town Nicosia, UNFICYP facilitated meetings between the two Nicosia municipalities to develop joint projects on environmental, social and health issues of common concern (ibid., para. 22). In his report of July 2015, the Secretary-General noted that he had called upon both community leaders to exert efforts to create a climate conducive to achieving greater economic and social parity between the two sides and to widen and deepen economic, social, cultural, sporting or similar ties and contacts, including with a view to encouraging trade. Such contacts promoted trust between the communities and would help to address the Turkish Cypriots' concerns of isolation. He had been pleased to note that early steps in that direction were being taken by the leaders, and he urged them to continue to address those issues and encouraged them to fully engage civil society in the ongoing process, with a view to fostering grass-roots support for a solution (ibid., para. 44).

27. UNFICYP continued to provide humanitarian support to 345 Greek Cypriots and 109 Maronites residing in the northern part of the island. In its report covering developments from 16 December 2014 to 20 June 2015, UNFICYP noted that although requests for Greek-speaking doctors to attend to the health needs of elderly Greek Cypriots and Maronites in the north were still to be addressed, Greek-language medical services were provided during that period (see S/2015/517, para. 23). Following the agreement of the two leaders, two Greek Cypriot nurses have been permitted to provide nursing services at a local clinic, one of whom has commenced his duties.

28. In the case of *Kyriacou Tsiakkourmas and Others v. Turkey*, before the European Court of Human Rights, the first applicant complained that violations arising as a result of his alleged abduction, ill-treatment and unlawful detention in December 2000 by Turkish Cypriot officials were the result of the discrimination he faced as a Greek Cypriot. On 2 June 2015, the Court held the non-discrimination part of the application manifestly ill-founded and thus inadmissible. However, it found violations of articles 3 (ill-treatment) and 5 (4) (unlawful detention) of the Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights), since his allegations of ill-treatment were not effectively investigated by the domestic authorities and because the remedies suggested by the Government of Turkey did not allow him to challenge effectively the lawfulness of his detention in a speedy manner. While Turkey had disputed its liability under the Convention for the alleged violations, the Court reiterated "that since Turkey exercised effective overall control over northern Cyprus, its responsibility could not be confined to the acts of its own soldiers or officials in northern Cyprus but had also to be engaged by virtue of the acts of the local administration, which had survived by virtue of Turkish military and other support". The Court also stressed that "where the fact of such domination over the territory was established, it was not necessary to determine whether the Contracting State exercised detailed control over the policies and actions of the subordinate local administration; the fact that the local administration had survived as a result of the Contracting State's military and other support entailed that State's responsibility for its policies and actions".[16]

[16] European Court of Human Rights, *Kyriacou Tsiakkourmas and Others v. Turkey*, judgment of 2 June 2015, application No. 13320/02, para. 150.

C. Freedom of movement

29. According to article 13 of the Universal Declaration of Human Rights, everyone has the right to freedom of movement and residence within the borders of each State, as well as the right to leave any country, including his own, and to return to his country.[17]

30. In Cyprus, however, crossings between the northern and the southern parts of the island are still possible only through official crossing points, of which there are currently seven, a situation that obviously limits the freedom of movement. Between 1 December 2014 and 31 October 2015, UNFICYP reported over 1,800,000 official crossings through the buffer zone. In July 2015, the Secretary-General commended the decision of the Turkish Cypriot leader to facilitate crossings by removing the requirement to complete administrative forms at crossing points (see S/2015/517, para. 37).

31. In its eleventh report on the implementation of Council Regulation (EC) No. 866/2004 (the Green Line Regulation), the European Commission noted an increase in the number of both Greek Cypriots and Turkish Cypriots crossing the Green Line in 2014 compared with previous years.[18] The Commission referred to one incident, while noting that stability, predictability of practice at the crossing points and legal certainty were essential to attain the objectives of the regulations. With UNFICYP support, important steps were taken to facilitate the practice of religious worship, and religious leaders benefited from easier crossing possibilities in both directions.

32. In its concluding observations of 31 March 2015, while noting the efforts by the Republic of Cyprus to reach an agreement with Turkish Cypriot leaders on new crossing points, the Human Rights Committee expressed concern that certain restrictions on crossing the Green Line — notably the policy concerning the passage of Turkish settlers and their descendants who had been born in occupied areas — unduly interfered with the enjoyment of the right to the freedom of movement conferred upon all residents of the island by article 12 of the International Covenant on Civil and Political Rights. The Committee recommended that the Republic of Cyprus continue its efforts to open new crossing points and take measures to facilitate greater access by residents of the northern part of the island to the southern part (see CCPR/C/CYP/CO/4, para. 17). In response to the Committee's questions concerning crossing points and measures taken to avoid a human rights protection gap resulting from the protracted conflict in both the northern and southern parts of the island, the Government of the Republic of Cyprus provided clarifications concerning rules and regulations for persons crossing the Green Line and indicated that it was not in a position to apply and ensure the implementation of human rights in the whole of its territory (see CCPR/C/CYP/Q/4/Add.1, paras. 6, 158 and 159).

33. On 28 May 2015, the Greek Cypriot and Turkish Cypriot leaders announced further confidence-building measures that would bring the two communities closer together, including working towards the opening of more crossing points, starting at Lefka-Aplici/Lefke-Aplıç and Deryneia/Derynia. UNFICYP subsequently supported the work of the Technical Committee on Crossings on the opening of the two crossing points and facilitated discussions on the possible opening of additional crossing points. In August 2015, the Secretary-General informed the Security Council that the United Nations Mine Action Service, facilitated by UNFICYP, had conducted risk assessments around the proposed crossing points in the buffer zone. In order to move forward with regard to the two crossings and ensure the safety of Cypriots and of UNFICYP personnel who would patrol and monitor the area, the Secretary-General noted that mine clearance would be

[17] See also the International Covenant on Civil and Political Rights, art. 12.

[18] Report from the Commission to the Council, COM(2015) 235 final, p. 3.

required in those areas, north of the Turkish forces' ceasefire line. The Security Council took note of the Secretary-General's proposal to extend the presence in Cyprus of the demining team of the United Nations Interim Force in Lebanon to complete the proposed clearance at the above-mentioned crossings (see S/2015/660 and S/2015/661). That Force's mine clearance work at the Lefka-Aplici/Lefke-Aplıç crossing point was completed on 19 November, after clearing a total of 1,847m², with 31 anti-tank mines and one trip flare found and destroyed. The Deryneia/Derynia crossing point was officially declared to be free of mines on 22 November 2015.

D. Property rights

34. According to article 17 of the Universal Declaration of Human Rights, everyone has the right to own property alone as well as in association with others, and no one is to be arbitrarily deprived of his/her property.

35. With regard to property claims in the northern part of the island, as at 30 November 2015, a total of 6,243 applications had been lodged with the Immovable Property Commission since its establishment, of which 721 were concluded through friendly settlements and 13 through formal hearings. The Commission has paid a total of £213,193,883 in compensation. Moreover, the Commission ruled for exchange and compensation in two cases, for restitution in one case, and for restitution and compensation in five cases. In one case, it delivered a decision for restitution after the settlement of the Cyprus issue, and in another case it ruled for partial restitution.[19]

36. On 24 September 2015, the Deputies of the Council of Europe Committee of Ministers expressed their appreciation of the measures regarding the property rights of enclaved Greek Cypriots and their heirs. However, they wished to examine the possible consequences on those questions of the judgement of 12 May 2014 in the European Court of Human Rights case *Cyprus v. Turkey* on the just satisfaction.[20] They also recalled the unconditional obligation to pay the just satisfaction awarded by the Court and their invitation to the Turkish authorities to pay the sums awarded in the judgement of 12 May 2014.

37. On 27 July 2015, in the context of the ongoing negotiations to reach a comprehensive settlement, the Greek Cypriot and Turkish Cypriot leaders announced that they agreed that "the individual's right to property is respected. There shall be different alternatives for the regulation of the exercise of this right. Dispossessed owners and current users shall have various choices regarding their claims to affected properties. These different choices shall include compensation, exchange and reinstatement. The exercise of any such choice shall be subject to agreed criteria. There shall be a list of categories of affected properties. There shall be an independent Property Commission mandated to resolve property claims based on mutually agreed criteria. The Property Commission shall comprise of equal number of Turkish Cypriot and Greek Cypriot members".[21]

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[19] See www.tamk.gov.ct.tr.

[20] Council of Europe Committee of Ministers, decisions adopted at the 1236th meeting on 24 September 2015 (CM/Del/Dec(2015)1236/21) on the case of *Cyprus v. Turkey*. See also A/HRC/28/20, paras. 16-18, 26 and 36.

[21] See statement delivered by the Special Adviser of the Secretary-General on Cyprus Mr. Espen Barth Eide on behalf of the Turkish Cypriot leader Mr. Mustafa Akıncı and the Greek Cypriot leader Mr. Nicos Anastasiades. Available at www.uncyprustalks.org/wp-content/uploads/2015/09/2015-07-17-EBE-Joint-Statement.pdf.

E. Freedom of religion and cultural rights

38. According to article 18 of the Universal Declaration of Human Rights, everyone has the right to freedom of thought, conscience and religion, which includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.[22] Furthermore, according to article 27, everyone has the right freely to participate in the cultural life of the community, to enjoy the arts as well as to share in scientific advancement and its benefits.[23]

39. While many of the more than 500 churches and Christian monuments in the north and the 100 mosques in the south of the island continued to remain out of reach for many worshippers, further progress was made during the period under review.

40. In the northern part of the island, more Greek Cypriots were able to worship at a number of previously inaccessible sites. Between 1 December 2014 and 30 November 2015, the Turkish Cypriot authorities approved 14 sites for worship. UNFICYP facilitated arrangements for the crossing of nearly 2,200 pilgrims from the northern part of Cyprus to the Hala Sultan Tekke Mosque in Larnaca on 21 April, 21 July and 31 September 2015. UNFICYP also facilitated over 90 religious and commemorative events involving more than 29,000 individuals, held in, or requiring crossing of, the buffer zone. However, the Turkish Cypriot authorities did not approve a number of requests by worshippers to hold religious services in the northern part of the island.

41. With regard to access to places of worship in the southern part of the island, the Human Rights Committee expressed concern about reports suggesting undue restrictions to the freedom of religion and belief of certain minorities, particularly Muslims, owing to limited access to places of prayer, including the Hala Sultan Tekke Mosque, which was open for worship on Fridays only. It also expressed concerns about reports of inadequate maintenance of Muslim cemeteries. The Committee recommended that Cyprus ensure that its legislation and practices conformed fully with the requirements of article 18 of the International Covenant on Civil and Political Rights by taking immediate measures to remove undue restrictions on access to places of worship, including those that limited worship to one day a week (see CCPR/C/CYP/CO/4, para. 18).

42. During the period under review, religious leaders, including the Greek Orthodox Archbishop and the Mufti of Cyprus, with the support of the Office of the Religious Track of the Cyprus Peace Process, and under the auspices of the Embassy of Sweden, intensified their collaboration. On 4 December 2014 and 6 October 2015, the Special Rapporteur on freedom of religion or belief met with Cypriot religious leaders at interreligious round tables and noted that cooperation among the religious leaders had led to consistent progress in the realization of freedom of religion or belief on the whole island (see A/70/286, para. 9).[24] During the round table held on 6 October 2015, the Cyprus Inter-religious Platform for Human Rights was established in order to facilitate and broaden the dialogue between religious communities and civil society organizations on the island.

43. On 24 November 2015, the Greek Orthodox Archbishop, the Mufti of Cyprus, the Maronite Archbishop, the Armenian Archbishop and the Patriarchal Latin Vicar in Cyprus

[22] See also the International Covenant on Civil and Political Rights, art. 18, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55).

[23] See also the International Covenant on Economic, Social and Cultural Rights, art. 15.

[24] See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16565&LangID=E.

issued a joint statement expressing their united voice against all forms of attack, terrorism and violence in the island, the region and the world at large. They also expressed their commitment to working together for human rights and peace in Cyprus. The religious leaders stressed that the dialogue they had experienced together had strengthened their conviction that there was no future without tolerance, mutual understanding, respect and peaceful coexistence.[25]

44. In partnership with the United Nations Development Programme (UNDP), the bicommunal Technical Committee on Cultural Heritage pursued its surveys, designs, emergency measures and conservation works of cultural heritage sites on the whole island. In March 2015, former village residents attended the ceremonies to mark the completion of conservation works to the mosque in Evretou/Evretu, Paphos Hammam and Tserkezoi/Çerkez Mosque. On 4 June 2015, the completion ceremony of conservation works to the Church of Agios Afksentios in Komi Kebir/Büyükkonuk was also attended by the Bishop of Karpasias Christophoros and the Imam Fahretin Ogdo. On 2 July 2015, the Othello Tower/Citadel in Famagusta was reopened to the public with a theatre performance of William Shakespeare's *Othello*, adapted and directed by a Turkish Cypriot director and featuring a bicommunal cast of Greek Cypriot and Turkish Cypriot actors. On 2 September 2015, UNDP announced the signature of new contracts for the preparation of designs for future emergency measures/heritage conservation projects concerning Archangelos Michael Church in Lefkonoiko/Geçiktale, St. Anne Church of Maronites, St. Mary Church of Armenians, St. Mary of Carmel and the Mescit of Tabakhane/Tanner's Mosque (Jacobite Church).

F. Freedom of opinion and expression

45. According to article 19 of the Universal Declaration of Human Rights, everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

46. In its concluding observations on the fourth periodic report of Cyprus, the Human Rights Committee expressed concern that the Law on the Procedure for the Standardization of Geographical Names of the Republic (L.71 (I)/2013, as amended), which criminalized the publication, inter alia, of material containing place names in the Republic that were different from those specified in official documents, appeared to be incompatible with the right to freedom of expression. The Committee recommended that Cyprus repeal that provision and review other provisions of the law to ensure that they served a legitimate public purpose, were necessary and proportionate to the purpose pursued and imposed the least restrictive measures possible for the achievement of its goals, as set out in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression (see CCPR/C/CYP/CO/4, para. 21).[26]

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[25] See www.swedenabroad.com/en-GB/Embassies/Nicosia/Current-affairs/News/Joint-statement-of-Religious-Leaders-of-Cyprus-sys/.

[26] According to article 6, paragraph 1, of the amended law L.71 (I)/2013, any person who publishes, imports, circulates, offers, distributes or sells in the Republic of Cyprus maps, books or other documents, conventionally or digitally printed, in which geographical names and toponyms of areas of the Republic are printed differently from those designated in accordance with the procedures provided for in the law or of those in the dictionary of toponyms commits an offence and, if convicted, is subject to imprisonment not exceeding three years or a fine not exceeding €50,000, or both penalties, and all related documents are liable to seizure and destruction.

G. Right to education

47. According to article 26 of the Universal Declaration of Human Rights, everyone has the right to education;[27] education should be directed to the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms; it should promote understanding, tolerance and friendship among all nations, racial or religious groups, and it should further the activities of the United Nations for the maintenance of peace. The Declaration also provides that parents have a prior right to choose the kind of education that is given to their children.

48. Universities in the northern part of the island are not recognized by the Republic of Cyprus, and Turkish Cypriot students still face limited access to European Union exchange and educational programmes. Under European Union Council Regulation (EC) No. 389/2006, the European Commission established a scholarship scheme for the Turkish Cypriot community in order to compensate for that lack of mobility. The scheme allows Turkish Cypriot students and professionals to spend up to one academic year abroad at a university or other host institution in the European Union and has included host institutions on the southern part of the island since 2013. The purpose is both to ensure academic attainment and to bring Turkish Cypriots closer to the culture and values of the European Union. For the 2013/14 academic year, 181 participants were granted scholarships, including undergraduate and graduate students, researchers and professionals. For the 2014/2015 academic year, 135 participants were granted a scholarship. Considerable attention was paid to informing students about opportunities outside the United Kingdom of Great Britain and Northern Ireland in order to broaden the exposure of the Turkish Cypriot community to other European cultures.[28]

49. The Turkish Cypriot authorities continued to vet the appointments of Greek Cypriot teachers for the Rizokarpaso schools for the academic year 2015/16 and rejected three teachers. Three alternative appointments are under consideration by the Turkish Cypriot authorities. UNFICYP noted that the Turkish Cypriot authorities also continued to review all textbooks used for teaching in those schools.

50. In its concluding observations of 31 March 2015, the Human Rights Committee expressed concern that no steps had been taken to establish a Turkish language school in Limassol. It recommended that Cyprus consider establishing such a school and continue its efforts to eradicate the economic, linguistic and cultural barriers faced by Turkish Cypriots and other minorities. In that regard, the Committee recommended that Cyprus intensify its efforts to integrate Turkish Cypriots into the civil service and the judiciary, including through the introduction of temporary special measures, and consider easing the language requirements for entering the civil service (see CCPR/C/CYP/CO/4, para. 23).

51. On 25 November 2015, in a joint statement, the Turkish Cypriot leader and the Greek Cypriot leader agreed to establish a Technical Committee on Education to review existing research and good practices in education in Cyprus and abroad and undertake new relevant research on how education can contribute to conflict transformation, peace, reconciliation and the countering of prejudice, discrimination, racism, xenophobia and extremism. The Committee will work on devising a mutually acceptable mechanism for the implementation of confidence-building measures in schools of the two educational systems and promote contact and cooperation between students and educators from the two

[27] See also the International Covenant on Economic, Social and Cultural Rights, arts. 13 and 14, and the Convention on the Rights of the Child, arts. 28 and 29.

[28] Information received from the Task Force for the Turkish Cypriot Community, European Commission.

communities. It will also recommend best policy options and courses of action that will allow coordination of the two educational systems, thus contributing to a viable, sustainable and functional bicommunal, bizonal federation.[29]

H. Gender perspective

52. In its resolution 1325 (2000) on women and peace and security, the Security Council called upon all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including (a) the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; and (c) measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.

53. With regard to Cyprus, the Security Council reiterated in its resolutions 2197 (2015) and 2234 (2015) that the active participation of civil society groups, including women's groups, was essential to the political process and can contribute to making any future settlement sustainable. It recalled that women play an important role in peace processes, and welcomed all efforts to promote bicommunal contacts and events, including on the part of all United Nations bodies on the island.

54. The Security Council also welcomed the efforts of UNFICYP to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct. It also requested the Secretary-General to continue to take all necessary action in that regard and to keep the Security Council informed, and it urged troop-contributing countries to take appropriate preventive action including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel. On 12 February 2015, Cyprus ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which entered into force on 1 June 2015.

55. While welcoming the measures taken by Cyprus to promote gender equality, including the adoption of the new National Action Plan on Gender Equality 2014-2017, and the increase in the representation of women in a number of senior public positions, the Human Rights Committee remained concerned about the generally low rate of representation of women in many decision-making positions and about their limited participation in the peace process. The Committee recommended that Cyprus strengthen its efforts to increase the representation of women in decision-making positions in public administration, if necessary through improved education opportunities and appropriate and timely special measures, and to ensure that women's participation in the peace process was guaranteed at all stages, including in decision-making, in accordance with Security Council resolution 1325 (2000) (see CCPR/C/CYP/CO/4, para. 8).

56. In 2014, the Gender Advisory Team, a group of academics and civil society activists from both sides of the divide working on gender equality from a peace-building perspective, published a policy brief entitled "Towards a Gendered Peace: Interventions in

[29] See joint statement by the Turkish Cypriot leader, Mr. Mustafa Akıncı, and the Greek Cypriot leader, Mr. Nicos Anastasiades, 25 November 2015. Available at www.uncyprustalks.org/wp-content/uploads/2015/12/2015-11-25-EBE-Joint-Statement.pdf.

the negotiation process inspired by UNSCR 1325". The Gender Advisory Team, inter alia, noted that the link between the prevalence of military culture and violence against women had not yet been scrutinized, but that intense militarization was known to create an environment where gender-based violence and sexism were condoned.[30]

57. In his report of July 2015, the Secretary-General welcomed the decision of the two leaders to establish a bicommunal technical committee on gender equality, including with a view to bringing a more equal understanding of the perspectives of both women and men into the peace process (see S/2015/517, para. 37). Following the inaugural meeting on 6 August 2015, which was attended by the two negotiators of the Greek Cypriot and Turkish Cypriot sides, the technical committee on gender equality continued to meet on a regular basis.

IV. Conclusions

58. During the period under review, there were several positive developments with regard to the promotion and protection of human rights in Cyprus. They include progress in the search for and identification of the remains of missing persons; a significant increase in the number of Greek Cypriots and Turkish Cypriots crossing the Green Line; an encouraging level of interreligious communication and cooperation; the completion of several conservation works of cultural heritage sites on the whole island; the establishment of a bicommunal committee on gender equality; and an agreement to create a bicommunal committee on education.

59. While there also were positive initiatives on demining the remaining minefields, both sides have been encouraged to advance a more comprehensive approach to demining within and outside the buffer zone. The continued danger posed by minefields to the right to life illustrates the human rights implications of the protracted conflict in Cyprus. The persistent division of the island still hinders the full enjoyment of all human rights and fundamental freedoms, including with regard to the question of missing persons, the principle of non-discrimination, freedom of movement, property rights, freedom of religion and cultural rights, freedom of opinion and expression, and the right to education.

60. Given the positive momentum surrounding the resumption of the talks and the commitment expressed by the leaders to work tirelessly to reach a comprehensive settlement of the question of Cyprus as soon as possible, it is hoped that those efforts will ultimately open avenues to improve the situation of human rights on the whole island. Addressing underlying and persisting human rights issues and concerns should underpin the political dialogue aimed at achieving a comprehensive settlement. Ensuring adequate women's participation and the consideration of gender-related issues in the discussions is essential.

61. Further visits by special procedures mandate holders are encouraged, including on cultural rights, minority issues, the human rights of internally displaced persons, enforced or involuntary disappearances, and the right to education. It is imperative that OHCHR and other relevant actors have access to the whole island and all

[30] See www.gat1325.org/#!publications/c21kz. "Complete demilitarization should be among the key aims of an agreement. But if the existence of an army is deemed necessary, military service should be optional and in the service of citizens. A federal army should be open to all groups and integrated at all levels. It should not pit one community against another and should not groom one gender as the protector of another".

affected persons, and enjoy the full cooperation of the Government of the Republic of Cyprus and the Turkish Cypriot authorities.

62. **Human rights do not have any borders and all stakeholders are thus obliged to uphold the fundamental freedoms and human rights of all people. It is critical that all human rights protection gaps and underlying human rights issues in situations of protracted conflict be addressed effectively.**